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October 18, 2004

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

RECEIVED

OCT 18 2004

Federal Communications Commission  
Office of Secretary

**Re: Counterproposal of West Salem Broadcasting  
MB Docket No. 04-341  
RM-10779  
Channel 266A, West Salem, Illinois**

Dear Ms. Dortch:

Transmitted herewith on behalf of West Salem Broadcasting, are an original and four (4) copies of its Counterproposal submitted in connection with the above-referenced proceeding.

Should any questions arise in connection with this matter, kindly communicate directly with the undersigned.

Respectfully submitted,



Michael H. Shacter

Enclosure

No. of Copies rec'd 014  
List ABCDE

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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OCT 18 2004

In the matter of

Amendment of Section 73.202(b)  
FM Table of Allotments,  
FM Broadcast Stations.  
(New Harmony, Indiana)

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Federal Communications Commission  
Office of Secretary

MB Docket No. 04-341  
RM-10779

To: Chief, Allocations Branch

**COUNTERPROPOSAL**

West Salem Broadcasting ("WSB"), by its attorneys and pursuant to the Notice of Proposed Rule Making, DA 04-2675, MB Docket No. 04-341, RM-10779, released August 27, 2004 ("NPRM"), hereby submits its counterproposal in the above-referenced rule making proceeding.<sup>1</sup> In support thereof, the following is respectfully submitted:

**Introduction**

1. In response to a Petition for Rule Making filed by Linda A Davidson ("Petitioner"), the Commission released the NPRM proposing the allotment of Channel 266A at New Harmony, Indiana as that community's first local aural transmission service ("Petitioner's Allotment Plan"). The NPRM established October 18, 2004, as the due date for filing comments and counterproposals, and November 2, 2004, as the due date for filing reply comments.

**Counterproposal**

2. In lieu of Petitioner's Allotment Plan, WSB proposes the following counterproposal: the allotment of Channel 266A at West Salem, IL, as that community's first

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<sup>1</sup> The NPRM established October 18, 2004 as the deadline for filing comments and counterproposals. Accordingly, the instant Counterproposal is timely filed.

local aural transmission service at coordinates 38-26-11 North Latitude and 88-01-11 West Longitude (“Counterproposal”). Therefore, WSB requests that the FM Table of Allotments be amended as follows:

| <u>Community</u>     | <u>Channel No.</u> |                 |
|----------------------|--------------------|-----------------|
|                      | <u>Present</u>     | <u>Proposed</u> |
| West Salem, Illinois | ----               | 266A            |

This Counterproposal will result in first local service to West Salem, IL, furthering the Commission’s allotment priorities. The Counterproposal is mutually exclusive with the Petitioner’s Allotment Plan.

3. West Salem, IL is a community listed in the 2000 U.S. Census with a population of 1,010. *See* Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 100 (1982) (requirement of an allotment to a community is generally satisfied if the community is either incorporated or listed in the U.S. Census).

4. West Salem is governed by trustees, has a city hall, an elementary school, public library, rescue squad, volunteer fire department, police department, post office (zip code 62476), six churches, a cable television company and a number of businesses serving the West Salem community.

5. As demonstrated in the attached Engineering Exhibit prepared by Charles M. Anderson and Associates Channel 266 a can be allotted to West Salem, IL in full compliance with FCC rules, 47 C.F.R. § 73.207, from a site located at 38-26-11 North Latitude and 88-01-11 West Longitude. An allocation study is included as Exhibit E1 to the Technical Report demonstrating that the proposed allotment reference point meets all applicable Commission separation requirements. Exhibit E2 to the Technical report demonstrates 70 dBu coverage of

West Salem, the proposed community of license, and Exhibit E3 shows that line of sight may be obtained from the proposed allocation point.

6. The Counterproposal is in the public interest because it will result in a fair and efficient distribution of allocations by providing West Salem, IL and the surrounding area with its first local aural transmission service.

7. WSB hereby certifies that it has a present intention to apply for the new channel when allotted, and when authorized will construct the facilities promptly and commence operation on Channel 266A at West Salem, IL.

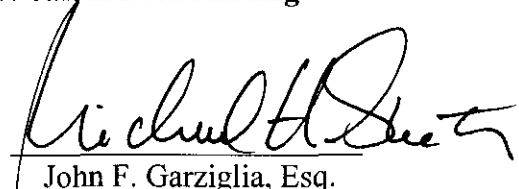
WHEREFORE, for the reasons above, the Petitioner's Allotment Plan by should be denied, and the proposal of West Salem Broadcasting should be adopted in its entirety.

Respectfully submitted,

**West Salem Broadcasting**

October 18, 2004

By:



John F. Garziglia, Esq.

Michael H. Shacter, Esq.

Its Attorneys

Womble Carlyle Sandridge & Rice, PLLC

1401 Eye Street, Seventh Floor

Washington, D.C. 20005

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**TECHNICAL REPORT**

This technical report has been developed in support of comments and a counterproposal seeking the assignment of FM channel 266A to West Salem, IL (2000 Population 1,010) as a first local service. This proposal is in conflict with the proposed rulemaking in MM Docket No. 04-341 seeking the assignment of 266A to New Harmony, IN (see E1).

| Community      | Existing | Proposed | Coordinates                            |
|----------------|----------|----------|--|
| West Salem, IL | -----    | 266A     | N 38-26-11 W 88-01-11<br>(10 km south) |

**I. Allocation Analyses:**

The assignment of 266A is proposed at coordinates:

**N 38-26-11 W 88-01-11.**

An allocation study is included as Exhibit E1 demonstrating that the proposed allotment reference point meets all applicable Commission separation requirements. Exhibit E2 demonstrates 70 dBu coverage of West Salem, and E3 shows that line of sight may be obtained from the proposed allocation point.



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Charles M. Anderson 10/18/2004  
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# E1 WEST SALEM

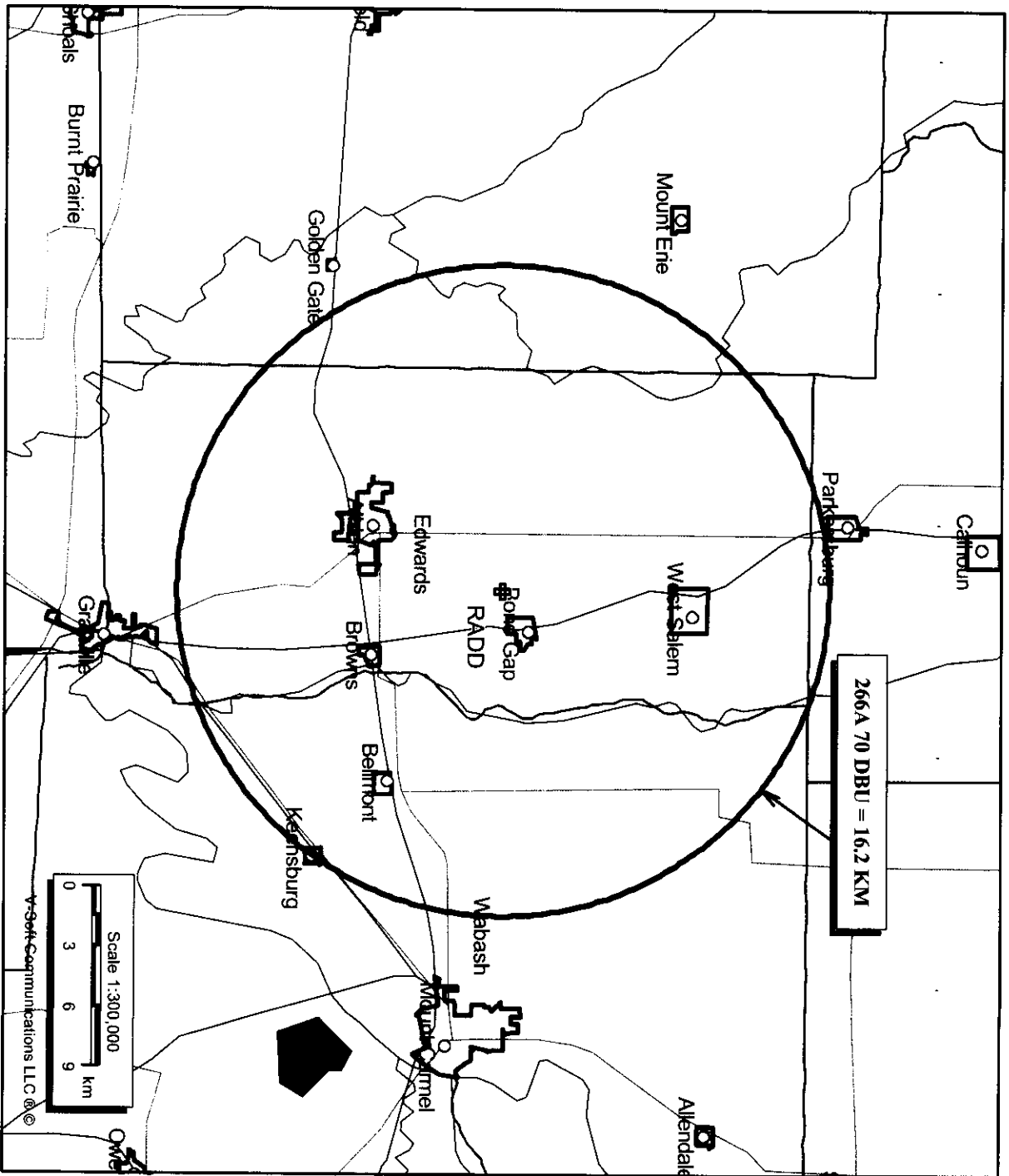
REFERENCE  
38 26 11 N  
88 01 11 W

CLASS = A  
Current Spacings  
Channel 266 - 101.1 MHz

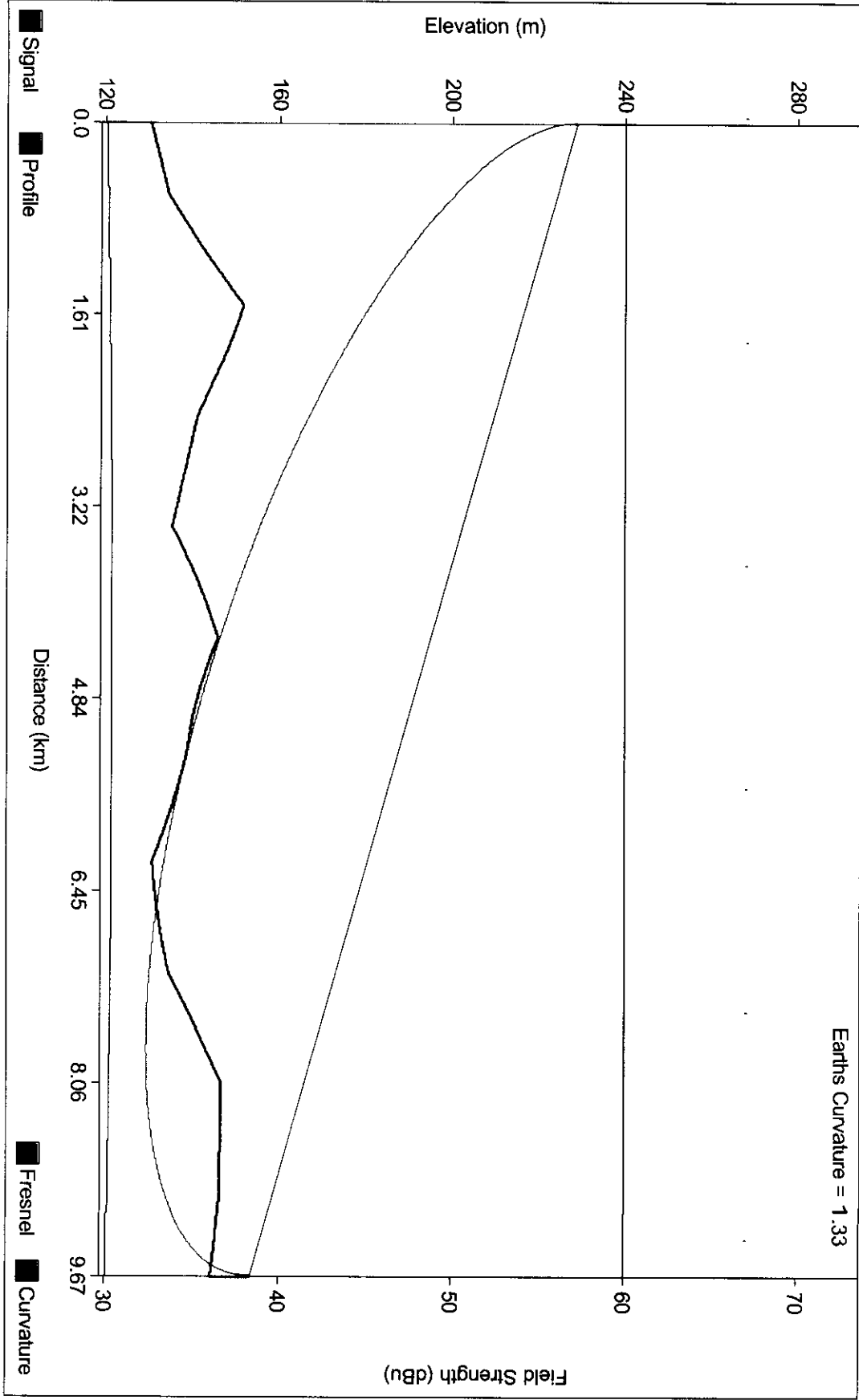
DISPLAY DATES  
DATA 10-14-04  
SEARCH 10-17-04

| Call   | Channel     | Location       | Dist      | Azi   | FCC   | Margin |
|--------|-------------|----------------|-----------|-------|-------|--------|
| RADD   | ADD 266A    | New Harmony    | IN 26.66  | 175.5 | 114.5 | -87.84 |
| WMC1   | LIC 267B1   | Neoga          | IL 95.54  | 341.1 | 95.5  | 0.04   |
| DWBHQ  | VAC 266A    | Bloomfield     | IN 114.58 | 55.9  | 114.5 | 0.08   |
| WBDC   | LIC 265B1   | Huntingburg    | IN 101.13 | 104.2 | 95.5  | 5.63   |
| 970724 | APP 266A    | Bloomfield     | IN 122.76 | 56.5  | 114.5 | 8.26   |
| 970724 | APP 266A    | Bloomfield     | IN 122.76 | 56.5  | 114.5 | 8.26   |
| WSJD.A | APP-Z 263A  | Princeton      | IN 39.35  | 97.4  | 30.5  | 8.85   |
| 970723 | APP 266A    | Bloomfield     | IN 126.15 | 55.0  | 114.5 | 11.65  |
| 970723 | APP 266A    | Bloomfield     | IN 126.70 | 56.0  | 114.5 | 12.20  |
| 970723 | APP 266A    | Bloomfield     | IN 126.77 | 55.3  | 114.5 | 12.27  |
| 970721 | APP 266A    | Bloomfield     | IN 127.50 | 54.2  | 114.5 | 13.00  |
| 970724 | APP 266A    | Bloomfield     | IN 129.74 | 54.0  | 114.5 | 15.24  |
| AP267  | APP 267A    | Sturgis        | KY 95.12  | 174.5 | 71.5  | 23.62  |
| WBGW   | LIC-N 268A  | Fort Branch    | IN 54.66  | 121.4 | 30.5  | 24.16  |
| VA267  | VAC 267A    | Sturgis        | KY 98.62  | 178.2 | 71.5  | 27.12  |
| WUSI   | LIC 212B    | Olney          | IL 45.62  | 348.0 | 14.5  | 31.12  |
| WVRV   | LIC-Z 266C2 | East St. Louis | IL 198.85 | 277.7 | 165.5 | 33.35  |
| WTYE   | LIC 269A    | Robinson       | IL 66.84  | 18.2  | 30.5  | 36.34  |
| WUBT   | LIC 266C1   | Russellville   | KY 242.52 | 150.6 | 199.5 | 43.02  |
| WMGI   | LIC 264B    | Terre Haute    | IN 122.47 | 22.2  | 68.5  | 53.97  |
| WAPO   | LIC 213A    | Mount Vernon   | IL 81.30  | 260.4 | 9.5   | 71.80  |
| WAPO.C | CP -N 213A  | Mount Vernon   | IL 81.30  | 260.4 | 9.5   | 71.80  |
| WCILFM | LIC-N 268B  | Carbondale     | IL 143.99 | 235.8 | 68.5  | 75.49  |

**EZ 266A**  
 Latitude: 38-26-11 N  
 Longitude: 088-01-11 W  
 ERP: 6.00 kW  
 Channel: 266  
 Frequency: 101.1 MHz  
 AMSL Height: 228.7 m  
 Elevation: 130.2 m  
 Horiz. Pattern: Omni  
 Vert. Pattern: No  
 Prop Model: None



E3 266A LINE OF SIGHT



Earth's Curvature = 1.33

Starting Latitude: 38-26-11 N      End Latitude: 38-31-21.96 N      Distance: 9.67 km  
Starting Longitude: 088-01-11 W      End Longitude: 088-00-18.57 W      Bearing: 7.54 deg


Transmitter Height (AG) = 98.5 m      Transmitter Elevation = 130.2 m      Frequency = 101.1 MHz  
Receiver Height (AG) = 9.1 m      Receiver Elevation = 144.4 m      Fresnel Zone: 0.6



# **CERTIFICATE OF SERVICE**

I, Michael H. Shacter, do hereby certify that true copies of the foregoing  
"Counterproposal" were sent this 18th day of October, 2004 by U.S. first class mail, postage  
prepaid, to the following:

Ms. Linda Davidson  
2134 Oak Street, Unit C  
Santa Monica, CA 90405

  
Michael H. Shacter